

February 18, 2004
Case No.: AUS920010241US1 (9000/39)
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- - REMARKS - -

Claims 1-27 remain under consideration.

Applicants thank the Examiner and Primary Examiner Alam for the courtesies shown in the interview of February 11, 2004. Although Applicants regret that no agreement was reached during the interview, the professionalism and courtesy shown are greatly appreciated.

A. The Examiner rejected claims 1-27 as anticipated by Hinkle.

The rejection of claims 1-27 as anticipated by Hinkle is traversed. In order to maintain this 102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference as claimed. Because Hinkle does not disclose each and every element, this rejection must fall.

At a minimum, Hinkle does not disclose "receiving medical information at an aggregate medical server" as claimed in claims 1, 15, and 27. As disclosed by Hinkle, a system collects medical data from a patient using a patient operated sensor that senses biological information from the patient. In the event that the medical data exceeds a statistical measurement using Shewharts principles, the data is communicated to predetermined parties with the patient's permission. See, Hinkle, Abstract, FIGS 2 and 3 and column 6, line 40-42.

In direct contrast, "medical information" as claimed in claims 1, 15 and 27 is defined at page 5, lines 24-30 as including "laboratory reports, clinical findings, physician's notes, insurance billing data, x-rays, dental records, patient identification data and insurance provider data." This is not disclosed by Hinkle, and indeed Hinkle teaches away from the instant invention by requiring a patient sensor.

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Claims 6 and 7 require security features that are not disclosed in Hinkle. The Examiner cited to sections of Hinkle that are not relevant to security features, much less a section that discloses each and every element of the claims. The sections identified by the Examiner disclose, at most, that a sensor attached to a patient has means for converting the measurement to an indexed record. Column 8, line 15-23. The examiner fails to indicate how this disclosure discloses each and every element of the claimed security feature. Similar elements are claimed in claims 20 and 21.

Additionally, Hinkle does not disclose "verifying a portion of the patient medical information with an outside server" as claimed in claim 8. Although the Examiner cited to column 10, lines 1-13 for such a disclosure, nowhere in Hinkle is this disclosed. Indeed, such a disclosure would not make sense for Hinkle's invention – Hinkle requires a patient operated sensor and Hinkle does not disclose that any medical information obtained by the sensor can be verified with an outside server. Similar elements are also in claim 22.

Additionally, Hinkle does not disclose "determining a patient eligibility" as claimed in claim 9. Although the Examiner cited to column 2, lines 17-24 for such a disclosure, nowhere in Hinkle is this disclosed. Indeed, such a disclosure would not make sense for Hinkle's invention – Hinkle requires a patient operated sensor and Hinkle does not disclose that any medical information obtained by the sensor can be verified with an outside server, much less that the verification comprises determining patient eligibility. Similar elements are also in claim 23.

Additionally, Hinkle does not disclose that the medical information "is selected from a group consisting of a name, a social security number, a plan number, personal information, medical history information, medical claims information, prescription information, insurance company information, billing information, healthcare provider information, record ID, date of service and CPT4 code" as claimed in claim 11. Although the Examiner cited column 1, lines 66-67 for such disclosure, nowhere in Hinkle are the elements of claim 11 disclosed or taught. Hinkle discloses monitoring a sensor monitoring a patient – such information is hardly identical to the elements of claim 11. Similar elements are claimed in claim 25.

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Since Hinkle does not disclose each and every element of claims 1, 15 and 27, Hinkle cannot anticipate the instant invention. Furthermore, dependent claims 2-14, and 16-26, depending directly or indirectly from claims 1 and 15 are allowable for at least the same reasons, and for the additional reasons cited above.

Withdrawal of the rejections to claims 1-27 is requested.

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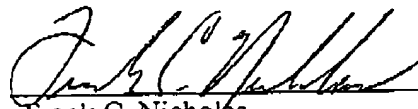
CONCLUSION

The Applicants respectfully submit that claims 1-27 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully submitted,
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